

**JUL 17 2003**

**NOT FOR PUBLICATION**

**UNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRCUIT**

**CATHY A. CATTERSON  
U.S. COURT OF APPEALS**

ANDRE B. YOUNG,

Plaintiff - Appellant,

v.

LYLE QUASIM, Secretary, WA Dept of  
Social and Health Services,

Defendant,

and,

TOM ROLFS, Secretary, Dept of  
Corrections; NORM MALENG, King County  
Prosecutor; WILLIAM DEHMER,  
Superintendent, SCC; MARILYN BRITSCH,  
FT-2, Forensic Therapist; GIANNA  
FLEMING, FT-2, Forensic Therapist;  
REGINA HARRINGTON, Ph.D. Special  
Commitment Center Psychologist;  
NORMAN NELSON, FT-2; BRENDA  
NELSON, RRC-3; DAVID WESTON,  
Former Superintendent Special Commitment  
Center Monroe; JACK SOWERS, Forensic  
Therapist 3, FT-3, Unit manager, Special  
Commitment Center; JOHN F.

No. 02-35730

D.C. No. CV-96-00936-RSL

MEMORANDUM\*

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\* This disposition is not appropriate for publication and may not be cited to or by the courts of this circuit except as provided by Ninth Circuit Rule 36-3.

ANDERSON-TAYLOR, FT-2; AL NIERO,  
FT-2, now FT-3; KIM VAN DOREN, FT-2;  
JOHN HENDERSON, PSA, now RRC-3;  
STEVE WAHL, PSA, now FT-2; JOHN  
LINNARD, PSA, now RRC; PATRICIA  
HUDSON, PSA, now RRC-2; KING  
COUNTY; DENNIS BRADDOCK,  
Secretary, Department of DSHS,

Defendants - Appellees.

Appeal from the United States District Court  
for the Western District of Washington  
Robert S. Lasnik, District Judge, Presiding

Submitted June 2, 2003\*\*  
Seattle, Washington

Before: B. FLETCHER, BRUNETTI, and McKEOWN, Circuit Judges.

Petitioner Andre Young seeks damages pursuant to 42 U.S.C. § 1983, alleging a violation of his constitutional rights. Young challenges the validity of the mental health information used to obtain his civil commitment order. Because the challenged information is the basis for his confinement, Young's claim is barred by the Supreme Court's decision in Heck v. Humphrey, 512 U.S. 477 (1994). Young cannot collaterally attack the constitutionality of his confinement

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\*\* This panel unanimously finds this case suitable for decision without oral argument. See Fed. R. App. P. 34(a)(2).

by filing a § 1983 claim without proving that the conviction or sentence has been “reversed on direct appeal, expunged by executive order, declared invalid by a state tribunal authorized to make such determination, or called into question by a federal court’s issuance of a writ of habeas corpus.” Id. at 486-87. To the extent that Young may have a colorable claim regarding defendants’ reliance on allegedly erroneous information indicating that plaintiff continues to fit the statutory definition of a sexually violent predator, we affirm the grant of summary judgment because Young did not set forth sufficient facts indicating the existence of a genuine issue for trial. See Fed. R. Civ. P. 56(e).

Therefore, the district court is affirmed.

AFFIRMED.